

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

-----In the Matter of----- )  
 )  
PUBLIC UTILITIES COMMISSION ) DOCKET NO. 2006-0497  
 )  
Instituting a Proceeding to )  
Investigate the Proposed Tariffs )  
Filed by Hawaiian Electric )  
Company, Inc., Hawaii Electric )  
Light Company, Inc., and Maui )  
Electric Company, Limited, )  
Governing Distributed Generation )  
and Other Related Matters. )  
\_\_\_\_\_ )

PROCEDURAL ORDER NO. 23634

Filed Sept. 6, 2007  
At 1:30 o'clock P.M.

Karen Higashi.  
Chief Clerk of the Commission

ATTEST: A True Copy  
KAREN HIGASHI  
Chief Clerk, Public Utilities  
Commission, State of Hawaii.

Karen Higashi.

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CONSUMER AFFAIRS  
STATE OF HAWAII

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

-----In the Matter of-----	)	
	)	
PUBLIC UTILITIES COMMISSION	)	Docket No. 2006-0497
	)	
Instituting a Proceeding to	)	Order No. <b>23634</b>
Investigate the Proposed Tariffs	)	
Filed by Hawaiian Electric	)	
Company, Inc., Hawaii Electric	)	
Light Company, Inc., and Maui	)	
Electric Company, Limited,	)	
Governing Distributed Generation	)	
and Other Related Matters.	)	
_____	)	

PROCEDURAL ORDER

By this Procedural Order, the commission sets forth the issue, schedule of proceedings, and terms to govern the standby service portion of this proceeding.<sup>1</sup>

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<sup>1</sup>The Parties in this proceeding are: (1) Hawaiian Electric Company, Inc. ("HECO"), Hawaii Electric Light Company, Inc. ("HELCO"), and Maui Electric Company, Limited ("MECO") (collectively, the "HECO Companies"); (2) the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy ("Consumer Advocate"), an ex officio party pursuant to Hawaii Revised Statutes ("HRS") § 269-51 and Hawaii Administrative Rules ("HAR") § 6-61-62(a); (3) Hawaii Renewable Energy Alliance ("HREA"); (4) Chapeau, Inc., dba BluePoint Energy, Starwood Hotels and Resorts Worldwide, Inc., and Hawaii Health Systems Corporation (the "BluePoint Energy Intervenors"); (5) JW Marriott Ihilani Resort & Spa, Waikoloa Marriott Beach Resort & Spa, Maui Ocean Club, and Wailea Marriott (the "Marriott Intervenors"); (6) Kahala Senior Living Community, Inc. ("Kahala Senior Living"); and (7) the United States Combined Heat and Power Association ("USCHPA").

I.

Background

The deadline for the Parties to submit a stipulated procedural order to govern the portion of this proceeding related to the HECO Companies' proposed standby service tariffs, or for each of the Parties to submit its own proposed procedural order, in the event that they are unable to agree on a stipulated procedural order, was August 16, 2007.<sup>2</sup>

To date, the Parties have held three technical meetings "wherein a considerable amount of time has been spent by the parties discussing their positions with respect to standby rates and tariffs."<sup>3</sup> Nonetheless, the Parties were unable to reach agreement on the merits of a standby service tariff, or on a stipulated procedural order for the HECO Companies' proposed standby service tariffs. Thus, on August 16, 2007: (1) the HECO Companies jointly submitted their proposed procedural order;<sup>4</sup> and (2) the BluePoint Energy Intervenors, Marriott Intervenors, Kahala Senior Living, and USCHPA (collectively, "Joint

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<sup>2</sup>See Parties' Joint Letter, dated June 22, 2007; Order No. 23521, filed on June 28, 2007; and Order No. 23607, filed on August 16, 2007.

The deadline for the Parties to file their stipulation or individual position statements on the HECO Companies' proposed interconnection tariff is September 13, 2007. See Order No. 23608, filed on August 16, 2007. In effect, the Parties have chosen to bifurcate the interconnection issue from the standby service issue.

<sup>3</sup>HECO Companies' Transmittal Letter, dated August 16, 2007, at 2.

<sup>4</sup>HECO Companies' Transmittal Letter; and HECO Companies' Proposed Procedural Order, filed on August 16, 2007.

Commenters") submitted their proposed procedural order.<sup>5</sup> The HECO Companies' and Joint Commenters' respective proposals are acceptable to the Consumer Advocate.<sup>6</sup> The HECO Companies' proposal is acceptable to HREA.<sup>7</sup>

## II.

### Issue

The preliminary standby service issue, as identified by the commission in Order No. 23171, filed on December 28, 2006, states:

Whether the HECO Utilities' proposed standby service tariffs are just and reasonable and consistent in principle with the guidelines and requirements set forth in Decision and Order No. 22248, filed in Docket No. 03-0371, as clarified by Order No. 22375, filed in the same docket.

Order No. 23171, at 9.

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<sup>5</sup>Motion for Approval of Proposed Procedural Order; Appendix A, Proposed Procedural Order; Memorandum in Support of Motion for Approval of Proposed Procedural Order ("Memorandum in Support"); and Certificate of Service, filed on August 16, 2007. While the Joint Commenters' filing is couched in terms of a Motion for Approval of [their] Proposed Procedural Order, their proposal was filed in accordance with the commission's directive that each of the Parties submits its own proposed procedural order, in the event that they were unable to agree on a stipulated procedural order. See Order No. 23607, filed on August 16, 2007. Thus, the commission will not treat the Joint Commenters' proposed procedural order as a motion. As a result, the commission will not consider any responses to the Joint Commenters' "motion" that may be filed pursuant to HAR § 6-61-41(c), governing the filing of any opposition to a motion.

<sup>6</sup>See HECO Companies' Transmittal Letter, dated August 16, 2007, at 1-2 n.3; and Joint Commenters' Memorandum in Support, at 2.

<sup>7</sup>See HECO Companies' Transmittal Letter, dated August 16, 2007, at 1.

The HECO Companies initially proposed that the Parties adopt verbatim the preliminary standby service issue identified by the commission in Order No. 23171. The HECO Companies, in response to the Joint Commenters' informal comments, then accepted the Joint Commenters' proposed issue, with minor modifications, subject to certain conditions. The Parties, nonetheless, have not reached a consensus on the statement of the standby service issue.

Thus, the HECO Companies propose the following statement of the issue:

What are the appropriate tariff terms and conditions, structure and design of rates, fees and charges for standby electrical service, that are just and reasonable, and consistent in principle with Decision and Order No. 22248, as clarified by Order No. 22375, Docket No. 03-0371, and Order No. 23171, Docket No. 2006-0497?

HECO Companies' Proposed Procedural Order, at 3.

The Joint Commenters counter with the following statement of the issue:

In this investigative proceeding, what are the most appropriate terms and conditions, tariffs, and structure and design of rates, fees and charges for stand-by electrical service, that are just and reasonable, and consistent in principle with Commission Orders Nos. 22248, 22375, and 23171?

This is a general investigation of illustrative rates filed by the HECO Companies. The generality of the single issue shall be broadly interpreted, in order to encompass all subsidiary issues addressing topics germane to the single issue, and shall include, but shall not be limited to, costing methodologies, cost causation, short and long-term costs and cost recovery, the design and structure of discreet components of a tariff (such as ratcheting, time of use, multiple metered customers), the effect of the number of [combined

heat and power] projects on the system diversity of the utility system, etc.

Joint Commenters' Proposed Procedural Order, at 3.

The preliminary issue identified by the commission focuses on the HECO Companies' proposed standby service tariffs, while the scope of the HECO Companies' and Joint Commenters' respective statements of the issue "is broad and encompasses concepts beyond the scope of the reasonableness of the HECO Companies' proposed standby service tariffs."<sup>8</sup> In the Joint Commenters' view, their statement of the issue more accurately describes the issues to be addressed in this proceeding, "is consistent with [the] preliminary statement of the issue by the Commission, and simply lists some of the issues that may be addressed in determining whether [the] HECO Companies['] proposed tariffs are just, reasonable and in compliance with Commission decisions."<sup>9</sup>

The commission opened this investigative proceeding to review and investigate the HECO Companies' proposed standby service tariffs, among other matters, and the public hearings held by the commission on Hawaii, Lanai, Maui, Molokai, and Oahu provided interested persons with the opportunity to comment on HECO, HELCO, and MECO's proposed standby service tariffs. Consistent with the preliminary issue identified by the commission, the focus of this aspect of the proceeding is whether the HECO Companies' proposed standby service tariffs are just and

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<sup>8</sup>HECO Companies' Transmittal Letter, dated August 16, 2007, at 2.

<sup>9</sup>Joint Commenters' Memorandum in Support, at 5.

reasonable. In this regard, the burdens of proof and persuasion are on the HECO Companies to prove that their proposed standby service tariffs are just and reasonable.

For these reasons, the commission adopts without change the preliminary issue identified in Order No. 23171, as the issue to govern the standby service portion of this proceeding. This statement of the issue, the commission makes clear, does not preclude the Parties from discussing the matters set forth in their respective proposed statements of the issue in attempting to reach a settlement agreement on the merits of a standby service tariff that, in the Parties' view, should be adopted and implemented by the HECO Companies. The non-HECO parties also are free to suggest their own proposals for consideration, while mindful of the fact that the burdens of proof and persuasion remain with the HECO Companies. Whether or not a settlement is agreed-upon by the Parties, the focus of the commission's review will be on whether the standby service tariffs ultimately proposed by the HECO Companies are just and reasonable.

As such, the issue in the standby service portion of this proceeding is reiterated as follows:

Whether the HECO Utilities' proposed standby service tariffs are just and reasonable and consistent in principle with the guidelines and requirements set forth in Decision and Order No. 22248, filed in Docket No. 03-0371, as clarified by Order No. 22375, filed in the same docket.

### III.

#### Schedule of Proceedings

The other notable difference between the two proposed procedural orders, according to the Joint Commenters, is that "the HECO Companies' schedule provides for simultaneous filings by all parties, whereas the Joint Commenters' schedule provides for sequential filings."<sup>10</sup> The HECO Companies' proposal for the simultaneous filing of position statements is premised on the commission's adoption of the broad and encompassing statement of the issue accepted by the HECO Companies, with minor modifications, "so that the parties have the opportunity to provide a discussion of this broad issue and not just limit their decision to the HECO Companies' proposed standby service tariffs."<sup>11</sup> Conversely, the Joint Commenters' proposal for the sequential filing of position statements "would simplify the proceeding in that there would be fewer statements of position to reconcile at the conclusion of the proceedings - each party would essentially have one opportunity to present its best case to the Commission, and the HECO Companies, as the parties with the burden of proof to support their filings, would have one chance to respond."<sup>12</sup>

The commission accepts as practical and efficient that portion of the Joint Commenters' proposal pertaining to the

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<sup>10</sup>Joint Commenters' Memorandum in Support, at 3.

<sup>11</sup>HECO Companies' Transmittal Letter, dated August 16, 2007, at 2.

<sup>12</sup>Joint Commenters' Memorandum in Support, at 4.



sequential filing of position statements.<sup>13</sup> This approach, the commission notes, explicitly recognizes that the requisite burdens are on the HECO Companies to prove their case, consistent with the standby service issue adopted by the commission in this Procedural Order.

The commission, however, will utilize certain portions of the HECO Companies' proposed procedural schedule. As the initial step in the schedule of proceedings, the HECO Companies propose to file, by August 31, 2007, their "revisions to their August 28, 2006 proposed standby service tariff for corrections, updated standby service rate information based on more current cost of service studies, and changes to certain terms and conditions acceptable to the HECO Companies that resulted from the discussions with the parties at the technical meetings."<sup>14</sup> "The HECO Companies also propose to file the cost of service studies, marginal cost studies, system load

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<sup>13</sup>Based on the Parties' proposals, the Parties agree that "[e]ach party shall designate witnesses to sponsor the subject matter contained in each section of the party's Statement of Position, responses to information requests, and Reply Statement of Position. Such witnesses will be made available for cross-examination at the evidentiary hearings." HECO Companies' Proposed Procedural Order, Section III.B, Witnesses, at 7; and Joint Commenters' Proposed Procedural Order, Section III.B, Witnesses, at 7; see also HECO Companies' Proposed Procedural Order, Section III.A, Requests for Information, at 6; and Joint Commenters' Proposed Procedural Order, Section III.A, Requests for Information, at 6 (for each response to an information request, the responding party should identify the person who is responsible for preparing the response as well as the witness who will be responsible for sponsoring the response at the evidentiary hearing). In effect, the Parties agree to file position statements that identify the sponsoring witnesses that support each section of their position statement, in lieu of filing written testimonies.

<sup>14</sup>HECO Companies' Transmittal Letter, dated August 16, 2007, at 2.

profiles and other information previously provided to the parties on an informal basis via [electronic mail] in order to get this information on the record."<sup>15</sup> The commission incorporates into the Schedule of Proceedings the HECO Companies' proposed initial step, as described herein ("Initial Filing").<sup>16</sup>

The HECO Companies' proposed schedule provides for seven weeks between the filing of the Parties' simultaneous position statements and their simultaneous rebuttal position statements, while the Joint Commenters proposed schedule provides for six weeks between the filing of the HECO Companies' initial position statement and the non-HECO parties' position statement, and five weeks for the HECO Companies to file their rebuttal position statement. The commission, upon review, provides for five-week intervals between the filing of the sequential position statements, with the last statement due by December 21, 2007, as requested by the HECO Companies.

In addition, the commission discusses the Parties' proposal to hold a prehearing conference on January 7 or 9, 2008, and their agreement to hold the evidentiary hearing during the week of January 14, 2008.

On July 18, 2007, the HECO Companies provided the other parties with a confidential settlement proposal, and "[t]he other parties are expected to submit a confidential counterproposal by August 31, 2007 for purposes of continued settlement

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<sup>15</sup>HECO Companies' Transmittal Letter, dated August 16, 2007, at 2 n.5.

<sup>16</sup>On August 31, 2007, the HECO Companies submitted their Initial Filing with the commission and served copies upon the other parties.

discussions."<sup>17</sup> The HECO Companies also explain that the filings proposed in their procedural order will "help facilitate further discussions by the parties in an attempt to reach settlement or partial settlement on issues related to the proposed standby service tariffs."<sup>18</sup> Similarly:

The Joint Commenters wish to stress that it has been, and remains, their intention to work together with all parties to this proceeding to negotiate a settlement of the proposed standby charges with the HECO Companies. While there has been disagreement over the procedural schedule for resolving these issues through litigation, that disagreement should not be taken as a sign that the Joint Commenters do not wish to continue to actively pursue a settlement. In fact, the procedural schedule proposed by the Joint Commenters provides a substantial period of time during which settlement can be pursued by the parties.

Joint Commenters' Memorandum in Support, at 2 (emphasis added). Thus, it is clear from the Parties' statements that they intend to continue to explore a full or partial settlement agreement on a standby service tariff.

Following the completion of the discovery process, including the Parties' review of each others' position statements, the commission finds it feasible to schedule a status conference with the Parties during the week of January 7, 2008. At the status conference: (1) the Parties shall update the commission on the status of their settlement negotiations (if an agreement has not otherwise been reached by then); (2) the commission will explore the feasibility of "requir[ing]

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<sup>17</sup>HECO Companies' Transmittal Letter, dated August 16, 2007, at 2.

<sup>18</sup>HECO Companies' Transmittal Letter, dated August 16, 2007, at 3.

the parties . . . to participate in nonbinding arbitration, mediation, or other alternative dispute resolution process prior to the hearing," consistent with HRS § 269-15.6;<sup>19</sup> and (3) if the Parties state that continued negotiations and the alternative dispute resolution process administered by an impartial third-party is for some reason inappropriate or will not be of any assistance to the Parties, the commission intends to then schedule the standby service issue for an evidentiary hearing in February 2008. This approach is consistent with the collaborative efforts of the interested stakeholders to date in attempting to reach a consensus on the resolution of the issues in this proceeding.<sup>20</sup>

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<sup>19</sup>The alternative dispute resolution process has been successful in resolving differences in other commission proceedings. See, e.g., Hoyt v. Kohala Ranch Water Co., Docket No. 04-0296, Order No. 21772, filed on April 22, 2005 (approving the mediation agreement and dismissing the complaint, without prejudice); cf. Berg v. Princeville Util. Co., Inc., Docket No. 04-0330, Order No. 21834, filed on May 20, 2005 (ordering the parties to participate in non-binding mediation prior to the commencement of the evidentiary hearing); and Docket No. 04-0330, Order No. 22083, filed on October 28, 2005 (approving the parties' agreement reached through informal discussions, and dismissing the complaint, with prejudice). In both of these dockets, the commission instructed that, "[u]nless otherwise provided by law, ordered by the commission, or agreed to by the Parties, all costs of the mediation shall be borne equally by the Parties." Docket No. 04-0296, Order No. 21526, filed on January 4, 2005, at 5; and Docket No. 04-0330, Order No. 21834, at 7.

<sup>20</sup>For example, the Parties unanimously recommended that the commission decline to adopt the federal interconnection standards set forth in Section 2621(d)(15) of the Public Utility Regulatory Policies Act of 1978, as amended by the Energy Policy Act of 2005. See Decision and Order No. 23562, filed on July 27, 2007 (the commission declined to adopt, at this time, the federal interconnection standards). In addition, substantial progress has been made in reaching agreement on many of the issues with respect to the HECO Companies' proposed interconnection, and the Parties are optimistic that a settlement agreement on the merits

Finally, in their proposed schedules, the Parties agree to the simultaneous filing of post-hearing opening and reply briefs. In lieu of simultaneous opening and reply briefs, the commission finds it appropriate to direct the Parties to file Proposed Findings of Fact and Conclusions of Law four weeks after hearing transcripts are filed with the commission, and Responses to Proposed Findings of Fact and Conclusions of Law three weeks after the filing of Proposed Findings of Fact and Conclusions of Law.

In addition to the required number of hard copies to be filed with the commission under the commission's rules of practice and procedure and this procedural order, the Parties shall submit their Proposed Findings of Fact and Conclusions of Law and Responses to Proposed Findings of Fact and Conclusions of Law in a standard electronic format (i.e., Word 97, Word 2000, or Word 2003) to the commission. The format and content of the Proposed Findings of Fact and Conclusions of Law and responses thereto may be discussed in further detail at the Prehearing Conference, if necessary.

Based on the foregoing, the commission hereby sets forth the following schedule of proceedings to govern the standby service portion of this proceeding:

HECO Companies' Initial Filing	by August 31, 2007
Non-HECO Parties' Information Requests ("IRs") on the HECO Companies' Initial Filing (1 <sup>st</sup> set of IRs)	by September 21, 2007

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can be reached. See HECO Companies' Letter, dated August 8, 2007, at 1 - 2; see also Order No. 23608, filed on August 16, 2007.

HECO Companies' Responses to the Non-HECO Parties' 1 <sup>st</sup> set of IRS	by October 12, 2007
HECO Companies' Statement of Position ("SOP")	by October 12, 2007
Non-HECO Parties' IRS on the HECO Companies' SOP (2 <sup>nd</sup> set of IRS)	by October 22, 2007
HECO Companies' Responses to the Non-HECO Parties 2 <sup>nd</sup> set of IRS	by November 5, 2007
Non-HECO Parties' SOPs	by November 16, 2007
IRS on the Non-HECO Parties' SOPs <sup>21</sup> (3 <sup>rd</sup> set of IRS)	by November 26, 2007
Responses to the 3 <sup>rd</sup> set of IRS	by December 10, 2007
HECO Companies' Reply SOP	by December 21, 2007
Status Conference	Week of January 7, 2008
Prehearing Conference (if necessary)	January/February 2008 (tentative)
Settlement Agreement (if any)	by February 1, 2008*

\*Subject to change in the event of the alternative dispute resolution process.

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<sup>21</sup>Contrary to the Joint Commenters' proposal, the issuance of the third set of IRS applies to all of the Parties, and is not limited to the HECO Companies. Thus, a non-HECO party is not precluded from issuing IRS to another non-HECO party.

Evidentiary Hearing  
(if necessary)

February 2008 (tentative)  
Honolulu

Parties' simultaneous  
Proposed Findings of Fact and  
Conclusions of Law ("FOFs/COLs")

Four weeks after  
transcripts

Parties' simultaneous  
Responses to Proposed Findings  
of Fact and Conclusions of Law

Three weeks after  
Proposed FOFs/COLs

#### IV.

##### Miscellaneous Matters to Facilitate and Expedite the Orderly Conduct of these Proceedings

Section IV consists of seven sub-sections which the Parties agree-upon without any substantive differences. This section, moreover, is consistent with the terms included in prehearing and procedural orders unilaterally issued by the commission in the absence of a stipulated proposal.<sup>22</sup> The commission adopts Section IV herein, as proposed by the Parties.

#### A.

##### Requests for Information

A party to this proceeding may submit information requests to another party within the time schedule agreed upon by the Parties or specified within this Procedural Order. If a party is unable to provide the information requested within the prescribed time period, it should so indicate to the inquiring party as soon as possible. The Parties shall then endeavor to agree upon a later date for submission of the

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<sup>22</sup>See, e.g., In re Hawaii Elec. Light Co., Inc., Docket No. 04-0046, Prehearing Order No. 23485, filed on June 8, 2007.

requested information. If the Parties are unable to agree, the responding party may seek approval for the late submission from the commission upon a showing of good cause. It is then within the commission's discretion to approve or disapprove such late filings and take any additional action that may be appropriate, such as extending the date for the party to respond.

In lieu of responses to information requests that would require the reproduction of voluminous documents or materials (e.g., documents over 50 pages), the documents or materials may be made available for reasonable inspection and copying at a mutually agreeable designated location and time. In the event such information is available electronically on computer disc or other readily usable electronic medium, the party responding to the information request shall make the computer disc or such electronic medium available to the other parties, and the commission. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheets will contain all cell references and formulae intact, and will not be converted to values prior to submission. A party shall not be required, in a response to an information request, to provide data that is or are already on file with the commission, or otherwise part of the public record, or that may be stipulated to pursuant to Section V.C, "Matters of Public Record," below. The responding party shall, in lieu of production of a document in the public record, include in its response to the information request an identification of the document with reasonable specificity sufficient to enable the requesting party to locate



and copy the document. As practical, each party shall cooperate in making available documents that are already on file with the commission or otherwise part of the public record and in reproducing (at reasonable charges), such public record documents as well as voluminous material referenced by such Parties, designated by the requesting Parties and/or making available one copy of the designated documents for loan for a reasonable period of time to be reproduced by the requesting party. In addition, a party shall not be required, in a response to an information request, to make computations, compute ratios, reclassify, trend, calculate, or otherwise rework data contained in its files or records.

For each response to an information request, the responding party should identify the person who is responsible for preparing the response as well as the witnesses who will be responsible for sponsoring the response at the evidentiary hearing.

A party may object to responding to an information request that it deems to be irrelevant, immaterial, unduly burdensome, onerous or repetitious, or where the response contains information claimed to be privileged or subject to protection (confidential information). If a party claims that information requested is confidential, and withholds production of all or a portion of such confidential information, the party shall: (1) provide information reasonably sufficient to identify the confidential information withheld from the response, without disclosing privileged or protected information; (2) state the

basis for withholding the confidential information (including, but not limited to, the specific privilege applicable or protection claimed for the confidential information and the specific harm that would befall the party if the information was disclosed); and (3) state whether the party is willing to provide the confidential information to some or all representatives of the party pursuant to a protective order.

A party seeking production of documents notwithstanding a party's claim of confidentiality may file a motion to compel production with the commission.

The responses of each party to information requests shall adhere to a uniform system of numbering agreed upon by the Parties. For example, the first information request submitted by the Consumer Advocate in this docket shall be referred to and designated as "CA-IR-1," and a response to this information request shall be referred to and designated as "Response to CA-IR-1."

Each response shall be provided on a separate page and shall recite the entire question asked and set forth the response and/or reference the attached responsive document.

B.

Witnesses

Each party shall designate witnesses to sponsor the subject matter contained in each section of the party's Statement of Position, responses to information requests, and

Reply Statement of Position. Such witnesses will be made available for cross-examination at the evidentiary hearings.

The Parties should cooperate to accommodate the schedules of mainland witnesses and will inform the commission in advance of any scheduling difficulties of with respect to such witnesses. If a party has an objection to a timely request to schedule a mainland witness in advance of other witnesses, the party shall make a timely objection to the commission. The Parties will make their best efforts to accommodate the schedules of mainland witnesses by coordinating their appearance at the evidentiary hearing.

C.

Matters of Public Record

To reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record shall be admissible in this proceeding without the necessity of reproducing each document; provided that: (1) the document to be admitted is clearly identified by reference to the place of publication, file or docket number, and the identified document is available for inspection by the commission and the Parties; and (2) any party has the right to explain, qualify, or conduct an examination with respect to the identified document. The commission can rule on whether the identified document can be admitted into evidence when a party proffers such document for admission as evidence in this case.

From time to time, the Parties may enter into stipulations that such documents, or any portion of such documents, may be introduced into evidence in this case.

D.

Copies of Information Requests, Responses to Information Requests, Statements of Position, and Reply Statement of Position

1. Copies:

Commission:	Original + 8 copies
Consumer Advocate:	2 copies
Other parties:	1 copy
(i.e., all other parties on the service list)	

2. All documents required to be filed with the commission shall comply with the formatting requirements prescribed in HAR § 6-61-16, and shall be filed at the office of the commission in Honolulu within the time limit prescribed in HAR § 6-61-15.

3. Copies of all document filings shall be sent to the other parties by hand delivery or United States mail (first class, postage prepaid). In addition, if available, all Parties shall provide copies of their filings to the other parties via diskette or electronic mail in a standard electronic format that is readily available by the Parties. The Parties agree to use Word 97, Word 2000, Word 2002, Word 2003, or later editions of Word as the standard programming format for filings in this case. However, if work papers, documentation, or exhibits attached to any filing are not readily available in electronic format, a party shall not be required to convert such work papers, documentation, or exhibits into electronic format.

Also, existing documents produced in response to requests need not be converted to Word 97/Word 2000/Word 2003 as long as the applicable format is identified. In the event a copy of a filing is delivered to a party via diskette or electronic mail, unless otherwise agreed to by such party, the same number of copies of such filing must still be delivered to such party by hand delivery or United States mail (first class, postage prepaid), as provided in Section V.D.1, above.

E.

Order of Examination

The order of examination for witnesses shall be determined at the prehearing conference to be held pursuant to the Schedule of Proceedings.

The examination of any witness shall be limited to one attorney or party representative for each party. The Parties shall avoid duplicative or repetitive cross-examination. Friendly cross-examination will not be allowed. Cross-examination shall be limited to witnesses whose testimony is adverse to the party desiring to cross-examine. Recross-examination shall be limited to the extent of material covered in redirect examination, unless permitted otherwise by the commission.

F.

Communications

HAR § 6-61-29 concerning ex parte communications is applicable to any communications between a party and the commission. However, the Parties may communicate with commission counsel through their own counsel or designated party representative only as to matters of process and procedure.

Communications between the Parties should either be through counsel or through designated party representatives. All documents filed in this proceeding shall be served on the opposing party and counsel, as provided in Section V.D, above.

G.

General

These procedures are consistent with the orderly conduct of this docket. This Procedural Order shall control the subsequent course of the standby service portion of this proceeding, unless modified by the Parties in writing and approved by the commission consistent with HAR § 6-61-23, to the extent applicable, or upon the commission's own motion.

V.

Order


THE COMMISSION ORDERS:

The issue, schedule of proceedings, and terms, as set forth in this Procedural Order, are adopted to govern the standby service portion of this proceeding.

DONE at Honolulu, Hawaii

SEP - 6 2007


PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
John E. Cole, Commissioner

By   
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

  
Michael Azama  
Commission Counsel

2006-0497.ah

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Procedural Order No. 23634 upon the following persons, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such person.

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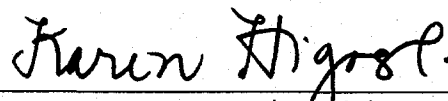
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DATED: SEP - 6 2007